

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 37 – SB 423

February 4, 2013

SUMMARY OF BILL: Increases the offense for the unlawful sale, loan, or gift of a firearm or switchblade knife to a minor to a Class D felony under Tenn. Code Ann. § 39-17-1303(a)(1).

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$42,200/Incarceration*

Assumptions:

- Currently, a violation of Tenn. Code Ann. § 39-17-1303(a)(1) is a Class A misdemeanor. The proposed legislation will raise the classification to a Class D felony.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2013 is \$64.17.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- Tenn. Code Ann. § 39-17-1303(a) contains three offenses, one of which is the unlawful sale, loan, or gift of a firearm to a minor. There are no statistics for each of these offenses; just for § 39-17-1303(a) as a whole. It is assumed that the unlawful sale, loan, or gift of a firearm to a minor constitutes 1/3 of the convictions for a violation of § 39-17-1303(a).
- According to the Administrative Office of the Courts (AOC), there has been an average of 0.4 convictions under Tenn. Code Ann. § 39-17-1303 over the last five years. The AOC's statistics represent convictions at the state trial court level. It is assumed that the number of convictions in state trial court represent 10 percent of the convictions at the general sessions court level. It is assumed that there will be four total convictions each year for violations of Tenn. Code Ann. § 39-17-1303, one (4 x .33) of which will be for the unlawful sale, loan, or gift of a firearm to a minor.
- The average time served for a Class D felony is 1.8 years.
- A recidivism discount of 43.36 percent applies, but due to the low number of estimated admissions added by this legislation, the recidivism discount does not impact the incarceration cost under the proposed legislation.

- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving 1.8 years. The cost per offender at 1.8 years (657.45 days) is \$42,189 (\$64.17 x 657.45 days).
- It is assumed that there will be no impact on the District Attorneys General Conference (DAGC) or the District Public Defenders Conferences (DPDC) because of the low number of convictions each year for the unlawful sale, loan, or gift of a firearm or switchblade knife to a minor. The DAGC and DPDC will be able to accommodate any increase within existing resources.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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